

## **REMARKS**

The claims remaining in the application are claims 1-16 and 19-22. Claims 17 and 18 are cancelled, per se, and the contents thereof included in claim 14. New claims 20, 21 and 22 are presented herewith.

## **INFORMATION DISCLOSURE STATEMENT**

Applicant has included by reference two (2) relevant prior art patents for the assistance of a subsequent reader. These patents are not part of an information disclosure statement, per se. The Examiner may choose to ignore these patents as informational background if the Examiner deems them necessary to the understanding of the invention.

## **SPECIFICATION**

Pages 5 and 6 of the Specification have been amended. In particular at page 5, lines 18-20 and page 6 line 21 (original pages) have been amended to update the information about the materials which are incorporated by reference. No new matter is provided.

## **DRAWINGS**

Applicant submits herewith a page entitled "Replacement Sheet" wherein correct reference numeral 180 is properly shown as required by the Examiner. If required, Applicant will submit formal drawings upon Allowance of the application.

## **CLAIM OBJECTION**

The typographical error pointed out by the Examiner in Claims 3 and 14 have been corrected.

## CLAIM REJECTION – 35 USC §102

The rejection of claims 1, 2 4-8, 12 and 13 as anticipated by U.S. Patent No. 5,8887,281 (Green et al) is respectfully traversed. Reconsideration of this rejection is requested.

A review of the '281 patent clearly shows that component 561 is NOT a filtration device. Rather, component 561 is a structural cage (i.e., part of the supportive shell) which supports a filtration device as, for example, the filtration device 400 in Applicant's claimed invention. Applicant's system also includes a protective covering 300 (and a filter 500 specifically recited in claim 2). Clearly, when the Examiner's interpretation of claim 1 is corrected, the rejection thereof must fail and claim 1 must be declared allowable.

Likewise, claims 2, 4-8, 12 and 13 are dependent from claim 1 must be allowable, as well.

In addition, in the '281 patent, 204 is a filtration area in an impervious shroud 200 while claim 2 recites the invention which includes the filter 500 which covers the filtration device 400.

Likewise, fasteners 575 and 675 in the '281 patent are Velcro-type fasteners as distinguishable from the strip of sealing material 923 recited in claim 6.

The seal (permanent or otherwise) between the shield 201 and the shroud 200 in the '281 patent is in no way even suggestive of a zipper as suggested by the Examiner relative to claim 13.

These comments are intended to be illustrative of the inaptness of the rejections, and are not intended to be a complete analysis. For example, it is conceded that the

headband 107 in the '281 patent is relevant to claim 4. However, claim 4 depends from claim 1 and is believed to be allowable for similar reasons.

Nevertheless, in order to avoid a secondary rejection based upon 35 USC §103, claim 1 has been amended to more clearly recite Applicant's invention and to further distinguish over the cited patents. For example, in none of the cited patents does the facial shield conform to the circumference of the supportive shell with a filtration devise secured to supportive shell by the facial shield. That is, Arai describes no filtration devices whatsoever and Crump et al ('104) does not show or describe a filtration device mounted on top of a supportive shell.

#### **CLAIM REJECTION – 35 USC §103**

The rejection of claims 3, 11, 14-17 and 19 as unpatentable over Green '281 in view of Arai ('224) is respectfully traversed. Reconsideration of these rejection's is requested.

Claims 3 and 11 depend from claim 1 and are believed to be allowable for similar reasons as discussed *supra*.

In addition, the shield protector 225 of Applicant's invention is provided for physical protection of the facial shield and is not limited to preventing "misting." Thus, the special seals of Arai are not required by Applicant.

More importantly, claim 14 has been amended to incorporate the verbiage of claims 17 and 18 (which the Examiner has declared to be allowable). Thus, claim 14 is believed to be allowable. Likewise, claims 15, 16 and 19 are believed to be allowable for similar reasons.

The rejection of claims 9 and 10 as being unpatentable over Green et al and Crump et al ('104) is believed to be moot in view of the discussion supra regarding parent claim 1.

#### NEW CLAIMS

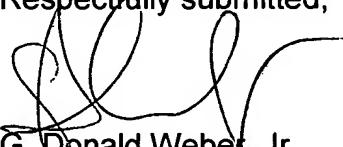
New claims 20, 21 and 22 are presented herewith. These claims depend, directly or indirectly, from independent claims 1 or 14 and are believed to be allowable for similar reasons.

The number of claims in this application does not exceed the number of claims for which fees have been previously paid. Thus, no additional fees are required.

#### CONCLUSION

Thus, the claims remaining in the application are claims 1-16 and 19-22. For the foregoing reasons, each of these claims is believed to be allowable.

In the event that the Examiner has any questions or comments regarding the application, a telephone interview with the undersigned Attorney for Applicant is earnestly solicited in order to expedite the prosecution of the application.

Respectfully submitted,  
  
G. Donald Weber, Jr.  
Attorney for Applicant

(714) 637-8350